



**Regional Stakeholder Consultation for the Arab States on Advancing GCM Implementation for Women Migrant Workers, Migrant Children and Youth in the Arab Region: Reviewing Progress and Addressing Continuing Challenges**

**Co-organized by UN Women Regional Office for the Arab States and UNICEF Middle East and North Africa Regional Office**

**15<sup>th</sup> February 2021**

**OUTCOME REPORT**

**Annex to the Outcome Document of the Regional GCM Review Conference<sup>1</sup>**

**I. Background**

On the 15th February 2021, the UN Women Regional Office for the Arab States and the UNICEF Middle East and North Africa Regional Office co-organized a virtual Regional Stakeholder Consultation, *Advancing GCM Implementation for Women Migrant Workers, Migrant Children and Youth in the Arab Region: Reviewing Progress and Addressing Continuing Challenges*. The consultation brought together about 100 participants working on migration covering all Arab States from national, cross-regional and global perspectives. Stakeholders included migrants themselves and their support groups, regional/national networks, NGOs, CBOs, FBOs, academia, private sector, media, UN agency representatives and others.

The consultation was aligned with the GCM’s robust provisions on gender equality and the rights of migrant women workers, children and youth, and its whole of government and society approach. It provided a platform for the fore-mentioned migrants and their support groups to highlight their often peripheralized distinct and separate realities, as well as their interconnected concerns, to assess progress on their priorities, and to provide tailored recommendations to address continuing challenges affecting them. The outcomes of this consultation will inform the discussions, key messages and Outcome Document of the GCM Regional Review Conference for the Arab States on the 24-25 February 2021.

**II. Progress and continuing challenges**

**Migrant women workers**

**Progress:** Women migrants from Asia, Africa and from within the region constitute 32 percent of the 38 million migrants and refugees in the Arab region, and make a significant contribution to countries of origin, destination, families and communities. The Arab governments should be commended for endorsing the GCM and introducing a range of varied policies and programs to protect the rights of women migrant workers before and after its adoption. They include diverse legal measures for domestic workers, reforms

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The contents of this document reflect the views of the participants in the consultation, not necessarily the views of UN Women and UNICEF.

to the sponsorship system<sup>2</sup>, programs on comprehensive information provision, public-private partnerships for ethical e-recruitment, competency standards for domestic workers, wage protection systems<sup>3</sup>, varied forms of monitoring, complaints and redress mechanisms, and accountability measures. Governments have also provided social safety nets, free COVID-19 testing and treatment for all residents, and amnesty programs for workers in irregular situations in the COVID-19 crisis. Further, the Abu Dhabi Dialogue - a regional consultative process that draws together countries of origin and destination, particularly along the Asia-GCC corridor - is advancing the gender agenda through coordinated action such as on comprehensive information provision and the future of work agenda for migrant workers in this corridor. Migrant advocacy has been seminal to the above, and migrant communities have played a critical role in providing social assistance to migrants during COVID-19 with help from NGOs, trade unions, private sector, and youth.

**Continuing challenges:** As elsewhere, policy-practice gaps and accountability deficits remain and a whole of government and whole of society approach that also includes migrant women's organizations, trade unions, and embassies of countries of origin needs to be enhanced. Migrant women workers face policy and legal restrictions on mobility out of countries of origin and are more marginalized from access to information on safe migration, increasing vulnerability to irregular situations and trafficking. They have fewer regular migration pathways, and the sponsorship system in various Arab countries binds a worker to a particular employer, restricts labor market mobility, and can generate situations of debt bondage, forced labor, and irregular status if the worker flees an abusive work situation thus risking arrest, detention and deportation. There are fewer decent jobs for women. Domestic work is often not socially or legally deemed work<sup>4</sup>, leaving the bulk of low skilled women migrant workers concentrated in this sector, unprotected. Contract substitution, gender-wage gaps, non-payment or cuts in wages, sexual abuse/violence, poor access to services, restrictions on freedom of movement and association, discrimination as a result of pregnancy, including in some cases deportation - and lack of maternity protection, problems in registering births and transferring nationality to children, lack of services and childcare provisions for children in countries of origin and destination, inadequate provisions for family reunification and for strong reintegration measures on return are continuing concerns. Moreover, migrant women workers are often marginalized from decision-making processes. COVID-19 has amplified these concerns, especially job/wage losses, stranding due to border closures, debt, exclusion from social safety nets, adequate health services, and representation on COVID-19 response mechanisms.

### **Migrant children and young people**

**Progress:** Over two-thirds of participants in the consultation session on children had identified some new promising practices in the region since the GCM adoption, and one-third had seen new legal and policy changes by governments. For example, the governments of Egypt and Sudan, together with UNICEF, are initiating discussions on the cross-border case management mechanisms for migrant children. In Egypt, Standard Operating Procedures (SOPs) have been adopted and launched concerning the protection and assistance of children on the move. More than three-quarters of participants in the session on children saw improvement in services delivered by NGOs, CSOs, FBOs. For example, in Iraq, the Lotus Flower NGO is women and youth-focused, leading business incubator projects and migrant capacity training for

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<sup>2</sup> Not always inclusive of domestic workers

<sup>3</sup> Not launched for domestic workers on Wage Protection Systems platforms

<sup>4</sup> ILO Convention 189

business development. In Jordan, A Global Voice for Autism supports migrant children with disabilities and autism, where migrant youth lead the community training programs.

**Continuing challenges:** The majority of laws affecting children in the region focus on the rights of national children and not on all children in their territories. When assistance is provided to non-national children, frequently it is linked to legal status, nationality or documentation. Some States in the region still detain children for reasons of their or their parents' migration status. Both legislative provisions and the lack of adequate alternatives to detention have been identified as gaps. The majority of services for migrant children in many States in the region are provided by civil society, rather than by governments including migrant children in national systems or financing such services. Recent UNICEF Innocenti research in the Horn of Africa, Sudan and Egypt found that children and youth on the move are distrustful of services and institutions that are designed to provide care, protection and basic services – resulting in them putting their trust in smugglers and traffickers or avoiding seeking assistance when needed, thus, potentially exposing them to harm. Lack of recognition of previous qualifications, language barriers, and lack of access to continuing education because of legal status affects many migrant children and young people. Access to employment opportunities is a particular issue affecting young migrants, especially young women. A recent complexity has been added by the COVID-19 pandemic, where most education platforms moved online. Technological illiteracy and limited access to computers and smartphones further widened the education and skills gap for migrant children and youth. There are concerns that stateless, undocumented or unregistered children may not be included in COVID-19 vaccination campaigns in some States. Discrimination and xenophobia are major issues facing migrant children. Stigma against survivors of gender-based violence and against children suffering from mental health problems can also impact access to services. In most cases, unaccompanied and separated migrant children “age out” of all protections and support provided them as they turn 18, with no transition period and no solutions for their future.

A large group of children affected by migration who tend to be invisible are those who are left behind in countries of origin by migrating parent(s). They are usually left with extended family members, with an arrangement that their parent(s) will send back remittances to care for them. However, remittances are not always spent on these children, and they may suffer neglect. This problem is exacerbated when employers do not enable migrant women to retain contacts with children who have been left behind, to monitor their welfare. Many of these problems are caused by the lack of family reunification rights for migrant women and children in the region.

### **III. Recommendations**

#### **Migrant women workers**

Through investments in COVID-19 response and long-term recovery:

- ✓ Ensure job preservation, including increased labor mobility and labor protections, full compensation for wage loss, social safety nets, vaccinations, amnesty programs;
- ✓ Generate sex-disaggregated data and undertake gender analysis on the social-economic, labor market situation of women migrant workers;

- ✓ Ensure labor law coverage in line with ILO and CEDAW standards including for domestic workers with robust capacity-building, enforcement and accountability, especially for law enforcement officials, recruiters and employers;
- ✓ Strengthen gender-responsive policies and programs on pre-post arrival information on rights/obligations, employability, fair and ethical recruitment, portable social security, wage protection, savings-mobilization and efficient remittance transfer;
- ✓ Dismantle sponsorship systems and ensure employment-based visas in migrants' names; onus for visa, work/residence permit renewals on the worker in enabling environments that protect workers' rights; worker ability to contract new jobs with adequate notice to the employer; "grace periods" for workers to remain in the country without a loss of residence status and contract new jobs and access justice if needed while being allowed to work;
- ✓ Ensure representation of migrant women, and their support groups at all stages of policy and programming processes;
- ✓ Ensure the right to organize and collective bargaining;
- ✓ Provide coverage under violence against women laws and access to services to all women migrant workers, regardless of migration status;
- ✓ Eliminate discriminatory laws and social norms based on gender, race/ethnicity, maternity, economic, nationality and migration status;
- ✓ Provide alternatives to detention and deportation;
- ✓ Enhance the use of Regional Consultative Processes including with CSO engagement to address fundamental concerns, with sustained follow up.

#### **Migrant children and young people**

- ✓ Better consider the agency of migrating children and young people, listen to their needs and aspirations, and ensure that services are designed and perceived to be safe;
- ✓ Reform laws to include and protect migrant children based on need, not on status, and ensure the inclusion of migrant children within national child protection systems and other national services, including education and healthcare, with firewalls from immigration authorities;
- ✓ Strengthen the capacities of the social services workforce and police and border authorities on migrating children's rights and protection;
- ✓ Establish child-sensitive cross border coordination and case management. Increase the presence of trained child protection professionals, such as social workers, in border areas;
- ✓ Ensure that adequate and timely best interests procedures are in place for children;
- ✓ Prohibit immigration detention of children in national legislation and ensure that appropriate care and reception options are available for migrant children and families. Support NGOs and CBOs in offering community-based alternative care and reception;
- ✓ Where immigration detention is still used, facilitate access by NGOs and CBOs and other relevant organizations to monitor;
- ✓ Ensure provision of information on services for migrating children in a child-sensitive manner, along migration routes;
- ✓ Establish joint initiatives among the Arab States that allow for recognition of previous education qualifications of migrants and facilitate access of migrant youth to employment opportunities;

- ✓ Encourage private sector involvement in providing programs that bridge education and skills gaps for migrant youth – focusing on reducing barriers for girls and young women and helping address technological literacy and access gaps;
- ✓ Promote migrant inclusion and build strategies that expand on young migrants’ contribution to national economies;
- ✓ Shape public narratives through anti-discrimination and anti-bullying campaigns, and invest in work with young people of migrant and host communities to counter xenophobia;
- ✓ Increase legal pathways for children and families to migrate in a safe and regular manner and make them more accessible in practice;
- ✓ Establish longer-term post-return monitoring for children.

**Interdependent recommendations relevant for migrant women workers and children**

- ✓ Ensure that sex and age disaggregated data is collected, to better program with gender-responsive and child-sensitive approaches as central considerations;
- ✓ Include in the discourse about migration - and generate evidence about - the issues of children left behind by their migrant parents, as well as children born to migrant mothers;
- ✓ Introduce gender-sensitive labour migration policies – nationally and cross-border – and ensure that these policies address the intersecting realities and rights of women and children;
- ✓ Provide comprehensive social protection, including child care/guardianship and protection measures, to children left behind in countries of origin and to those born to migrant mothers in countries of destination; Review and reform family reunification laws and regulations to make family reunification more accessible to migrant women and children in the region;
- ✓ Ensure that migrant women workers’ rights to remain in contact with children back home are protected and that they are provided with the means to retain communications;
- ✓ When returns to countries of origin take place, put policies in place to protect family unity, ensuring that children are not separated from their parent(s) through deportation processes or detention, and that families are not detained;
- ✓ Undertake gender- and child-sensitive reviews and reforms of birth registration and nationality laws and regulations, with a focus on advancing migrant women’s and children’s rights, including enabling women to register their children and pass on nationality to their children;
- ✓ Enhance cross-border collaboration, including through consular services, in order to ensure the nationality rights and birth registration of children born to migrant workers and avoid statelessness.